



PATENT  
Customer No. 22,852  
Attorney Docket No. 03715-0110-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
BENOIT, et al. ) Group Art Unit: 1711  
Application No.: 10/069,405 ) Examiner: Tran, T.T.  
§ 371 Filing Date: May 29, 2002 )  
International Filing Date: August 25, 2000 )  
For: METHOD FOR ENCAPSULATING )  
ACTIVE SUBSTANCES BY )  
COACERVATION OF POLYMERS )  
IN NON-CHLORINATED )  
ORGANIC SOLVENT )

RECEIVED  
OCT 29 2003  
GROUP 1700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached.

10/14/2003 SSESHE1 00000058 10069405

02 FC:1806

180.00 DP

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 9, 2003

By: 

Deborah Katz

Reg. No. 51,863

Phone: (202) 408-4382

Fax: (202) 408-4400

E-mail: [deborah.katz@finnegan.com](mailto:deborah.katz@finnegan.com)

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)



INFORMATION DISCLOSURE CITATION

Patent No.	03715-0110	Appln. No.	10/069,405
Applicant	Benoit, et al.		
International Filing Date	August 25, 2000	Group:	1711

RECEIVED  
OCT 29 2003  
GROUP 1700

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or N

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
✓	Ruiz, J.M., et al., Microencapsulation of peptide: a study of the phase separation of poly(D,L-lactic acid—co-glycolic acid) copolymers 50/50 by silicone oil, <i>Int. J. of Pharmaceutics</i> , vol. 49, pgs. 69-77 (1989).
✓	Thomasin, C., et al., Physio-chemical parameters governing protein microencapsulation into biodegradable polyesters by coacervation, <i>Int. J. Pharmaceutics</i> , vol. 147, pgs. 173-186 (1997).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce